

**MINUTES OF THE
CHILD WELFARE LEGISLATIVE OVERSIGHT PANEL**
Thursday, September 19, 2002 – 2:00 p.m. – Room 416 State Capitol

Members Present:

Sen. Dan R. Eastman, Senate Chair
Rep. Matt Throckmorton, House Chair
Rep. Trisha Beck
Rep. Jack Seitz

Staff Present:

Mr. Mark D. Andrews, Research Analyst
Ms. Stacey M. Snyder, Associate General Counsel
Ms. Alicia M. Laughlin, Legislative Secretary

Members Excused:

Sen. Gene Davis

Note: A list of others present and a copy of materials can be found at <http://www.image.le.state.ut.us/imaging/history.asp> or by contacting the committee secretary, Alicia Laughlin, at 538-1032.

1. Call to Order and Approval of Minutes

Chair Throckmorton called the meeting to order at 2:20 p.m.

MOTION: Rep. Seitz moved to approve the minutes of the July 11, 2002 meeting. The motion passed unanimously, with Sen. Davis absent for the vote.

2. Division of Child and Family Services Caseworker Workload

Mr. Wayne Welsh, Auditor General, introduced Mr. Rick Coleman, Audit Manager, and Mr. Wayne Kidd, Legislative Auditor, Office of the Legislative Auditor General. Mr. Kidd referred to "A Performance Audit of Child Welfare Caseworker Workload," sent to Panel members previously. He explained the audit and indicated the auditor general's recommendations in regards to caseworker workloads.

Mr. Richard Anderson, Director, introduced Mr. Jack Greene, Finance Director, and Ms. Patti VanWagoner, Deputy Director, Division of Child and Family Services (DCFS). Mr. Anderson gave a brief presentation on the recommendations within the audit. He said that 1) he will report back to the Panel on increasing the use of courtesy visits, 2) DCFS will try to combine forms to reduce paperwork, and 3) DCFS will put in writing the current process for allocating funds among the regions.

Mr. Greene distributed "DCFS – Workload Study" and reported on the study conducted by the Division in regards to the demands on caseworkers. He also distributed "Caseworker Activities for Out of Home Cases" and addressed how the Division could improve the workload of caseworkers. DCFS would like to come back at the same time next year and report the results of its workload study to the Panel.

Ms. VanWagoner distributed "Changes That Could Enhance Our Work With Families" and discussed the suggestions made by caseworkers as to how they can reduce their current workloads to enhance their ability to work with families. She addressed each of the recommendations.

3. Holding Therapy

Rep. Mike Thompson introduced Dr. Christopher Barden, psychiatrist and attorney, and Mr. Alan Misbach, social worker, Utah County Children's Justice Center. Rep. Thompson reviewed draft legislation "Prohibition of Coercive Restraint Therapy" (2003FL-0075/004) and distributed a position statement by the American Psychiatric Association titled "Reactive Attachment Disorder." He discussed the statement and indicated that the act of holding therapy is destructive and should be considered child abuse.

The Panel viewed a video that addressed holding therapy.

Dr. Barden gave an overview of the history of coercive therapy. He indicated that the immediate intent is to harm and terrorize children by inflicting pain by a forced procedure. He indicated that these practices are unproven, dangerous, and should be considered illegal.

MOTION: Rep. Beck moved to recommend and adopt draft legislation "Prohibition of Coercive Restraint Therapy." The motion passed unanimously.

Ms. Sandra Lucas, Citizen's Commission on Human Rights, indicated that there are unlicensed people recommending that parents use this procedure on their children.

4. Roska v. Peterson

Ms. Stacey Snyder outlined a recent U.S. Tenth Circuit Court of Appeals decision, "Roska v. Peterson," mailed to Panel members prior to the meeting.

Mr. Dan Larsen, Office of the Attorney General and counsel for the appellees, explained the details of the case.

Mr. Steven Russell, Counsel for the appellants, addressed the case and said that the statute should be amended so that it does not attempt to define "exigent circumstances".

5. Other Items / Adjourn

MOTION: Sen. Eastman moved to adjourn the meeting. The motion passed unanimously, with Sen. Davis absent for the vote.

Chair Throckmorton adjourned the meeting at 4:45 p.m.